



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Division (1145)
CEPOA-RD-NF
3437 Airport Way, Suite 206
Fairbanks, Alaska 99709-4777

PUBLIC NOTICE DATE: February 20, 2007
EXPIRATION DATE: March 21, 2007
REFERENCE NUMBER: POA-2007-11-4
WATERWAY: Sheep Creek

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Mr. Forrest and Mrs. Emily Barber, Post Office Box 82914, Fairbanks, Alaska 99708

LOCATION: The proposed project is located within section 16, T. 1 N., R. 2 W., Fairbanks Meridian; Latitude 64.9081° N., Longitude 147.9697° W.; Forrest Glen Subdivision, near Fairbanks, Alaska.

PURPOSE: Construct a nine lot subdivision.

WORK: Retention of approximately 2983 cubic yards (cy) of fill in approximately 0.70 acres of wetlands for existing roads, driveways, housepads, garage and septic systems, and the clearing of approximately 20.0 acres of wetlands prior to 2000; and new placement of approximately 3007 cy of fill material into approximately 0.62 acres of wetland to finish construction of roads, house pads and septic pads.

ADDITIONAL INFORMATION: Placement of fill material in wetlands will be utilized to finish construction of Adelaide Court off Trilby Avenue into Forrest Glen Subdivision, construct driveways into Lots 3, 4, 5 and 6, as well as change the placement of the driveway on Lot 2 so it aligns with Adelaide Court to match the change in lot design; build house pads, and septic pads.

Currently there are five homes on lots 1, 2, 6, 7, and 8 of Forrest Glen Subdivision; all construction of existing buildings and roads in wetlands was completed prior to 2000. Two or three additional houses may be placed at a later date on lot 9, and would have typical driveways of 100 feet, house pads of 35' x 25.5' and septic pads of 20' x 15' as needed. All work would be completed in accordance with the attached plans, sheets 1-10, dated February 13, 2007.

MITIGATION: As a result of early project planning, the applicant has incorporated into the proposed project the following mitigation efforts to reduce impacts to the aquatic environment: No construction of any kind will be located within 100 feet of Sheep Creek, in addition all the land north of Sheep Creek will be left in its natural vegetative state. Lot sizes will be greater than two acres, although the Fairbanks North Star Borough allows lots to be one acre in size. The property will be zoned to restrict dog teams and other livestock as well as any trade and

manufacturing that might endanger the environment or hinder water quality. Zoning will also restrict the number of structures allowed on each lot to minimize soil disturbance and devegetation.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRs) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are six unevaluated properties in the vicinity of the worksite. They have been designated FAI-00390, Fairbanks Exploration Company Camp, FAI-00389, Cabin Ruin #3, FAI-00388, Cabin Ruin #2, FAI-00400, Prospect Pit, FAI-00222, FE Dredge #6, and FAI-00028, Goldstream Valley Site. Because the properties have been determined to be outside of the project area, no further action is required. Consultation of the AHRs constitutes the extent of cultural resource investigations by the District Engineer at this time. This application is being coordinated with SHPO. Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area.

Preliminarily, the described activity will not affect threatened or endangered species, or modify their designated critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS).

We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

SPECIAL AREA DESIGNATION: None.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact **Mary Romero** at (907) 474-2166 or by email at **mary.r.romero@poa02.usace.army.mil** if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

A plan, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer
U.S. Army, Corps of Engineers

Attachments

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER

401 Certification Program

Non-Point Source Water Pollution Control Program

NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No POA 2007 11-4, Sheep Creek serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

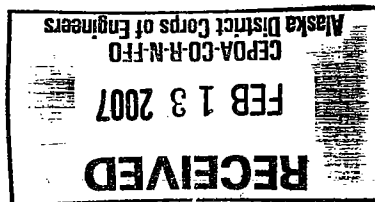
Department of Environmental Conservation
WQM/401 Certification
555 Cordova Street
Anchorage, Alaska 99501-2617
Telephone: (907) 269-6281
FAX: (907) 269-7508

Plan for minimizing impact to wetlands

With this subdivision it is our intention to provide quality, affordable, small homes (20' X 24') built with minimal impact to existing grade and vegetation. We are not a large construction company. We are a husband and wife team developing the project largely out of pocket over a 25 year period. Because of this, the impact of people and equipment working on the property is minimized. It is our plan that the roads, driveways and building pads constructed on the property to date and in the future will cover less than 6% of the total area of the property with as much of the construction as is practical located on the higher elevations.

Local zoning would allow a subdivision with lots as small as one acre. All lots in our subdivision will be larger than two acres (some as large as three acres) with no multiple dwellings on each lot. This is to help keep vegetative cover and soils intact throughout the entire property. All roads and driveways will be built as short as practical and on grade with minimum disturbance to existing soils and vegetation. Roads and driveways will be built to FNSB standards and requirements and will include more culverts of larger diameter than required by FNSB. This ensures proper run off and drainage of the property. All water and septic systems will be installed by DEC certified installers. Any disturbed soils will be stabilized with local soils and grasses in an effort to decrease soil runoff and sedimentation and maintain water quality of the property as a whole. The property will be zoned to restrict dog teams and other livestock as well as any trade and manufacturing that might endanger the environment or hinder water quality. The zoning will also restrict the number of structures allowed on each lot to minimize soil disturbance and devegetation. No construction of any kind will be carried out within 100 feet of Sheep Creek where it crosses the property. Land clearing within the area you show as wetlands will be minimized except for that portion that was cleared under prior ownership. Living on location allows us to observe changes on the property on a daily basis. If there is a noticeable change in runoff or sedimentation, all reasonable efforts and economically feasible efforts will be made to ensure soil and vegetation stabilization.

All of the land adjacent to our property to the South is under cultivation. We spent a great deal of time and money in diverting and dispersing the run-off flow from this property to ours to minimize the impact to our land. I contacted the owner of the adjacent property and asked him to take action to stop and prevent the erosion and sediment flow, which he did. We will continue this kind of vigilance and effort to maintain the environmental quality of the property and water through all phases of this project.



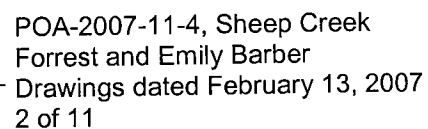
Forrest Barber 2/13/07

Forrest Barber
Owner

Emily Barber 2/13/07

Emily Barber
Owner

Gov. Lot. 9, Sec. 16, T1N, R2W, F.M.
33.42 Acres SCALE .0005

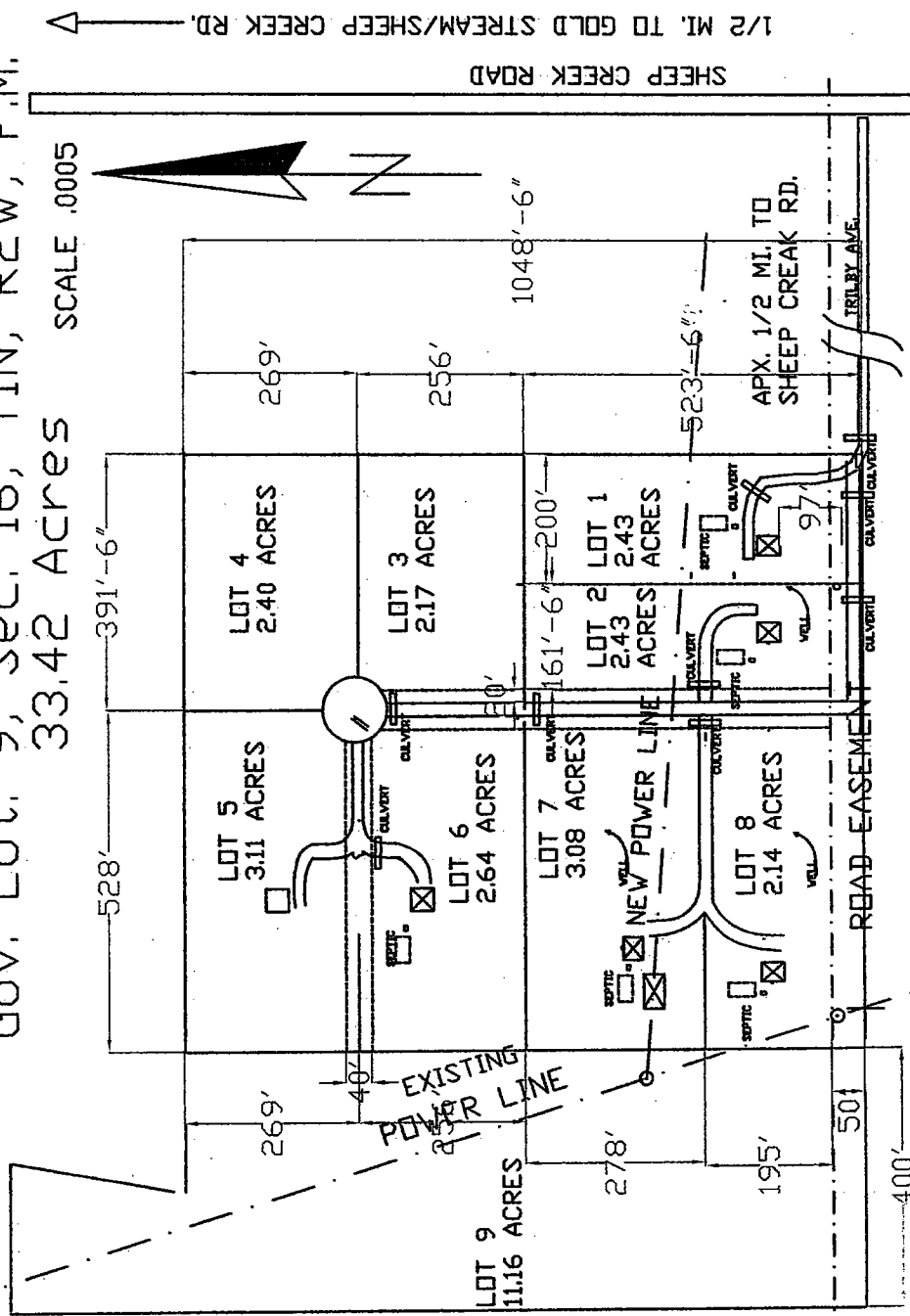


2- This drawing shows the plan for the
Property after Subdivision work is completed

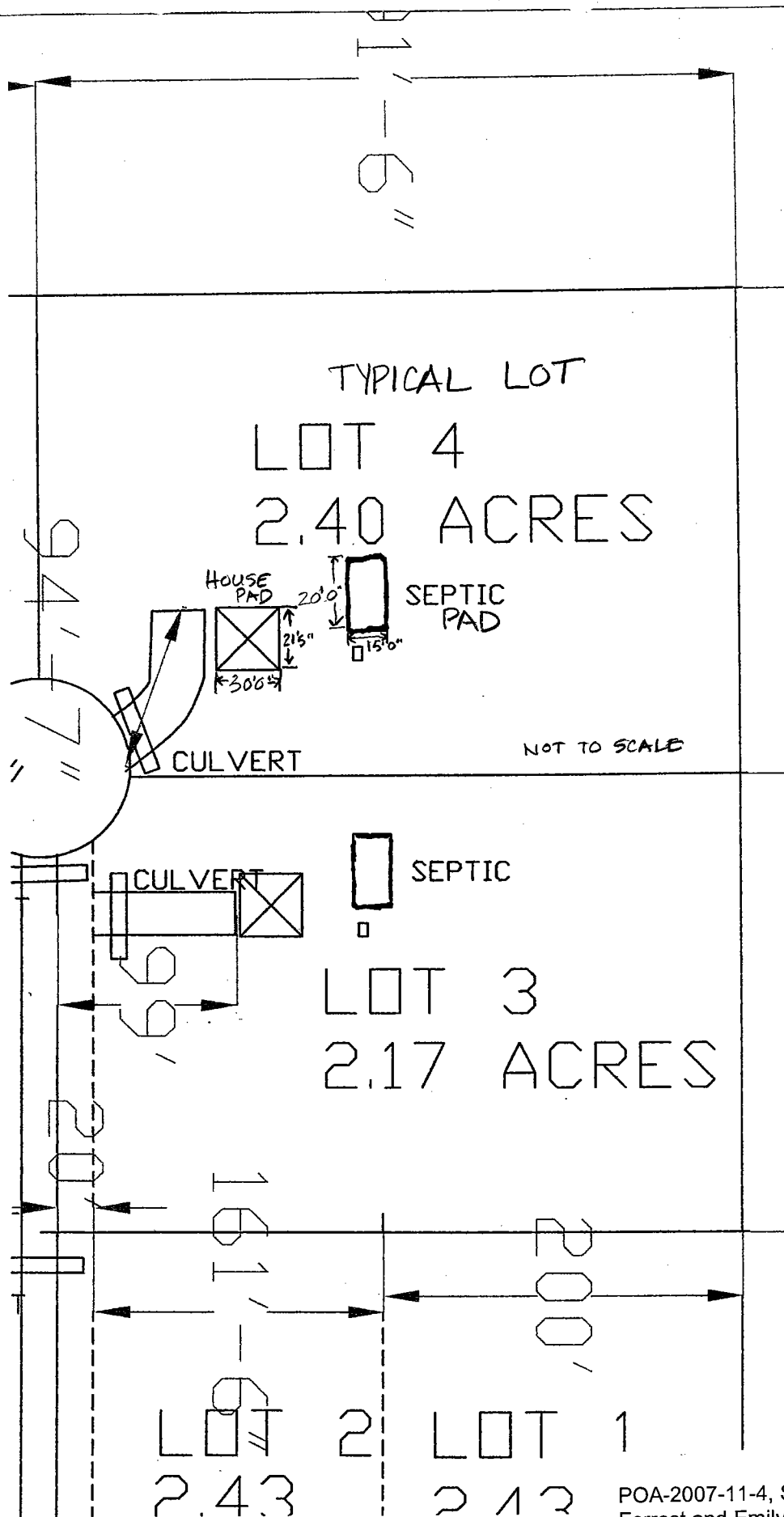
Gov. Lot. 9, Sec. 16, T1N, R2W, F.M.

33.42 Acres

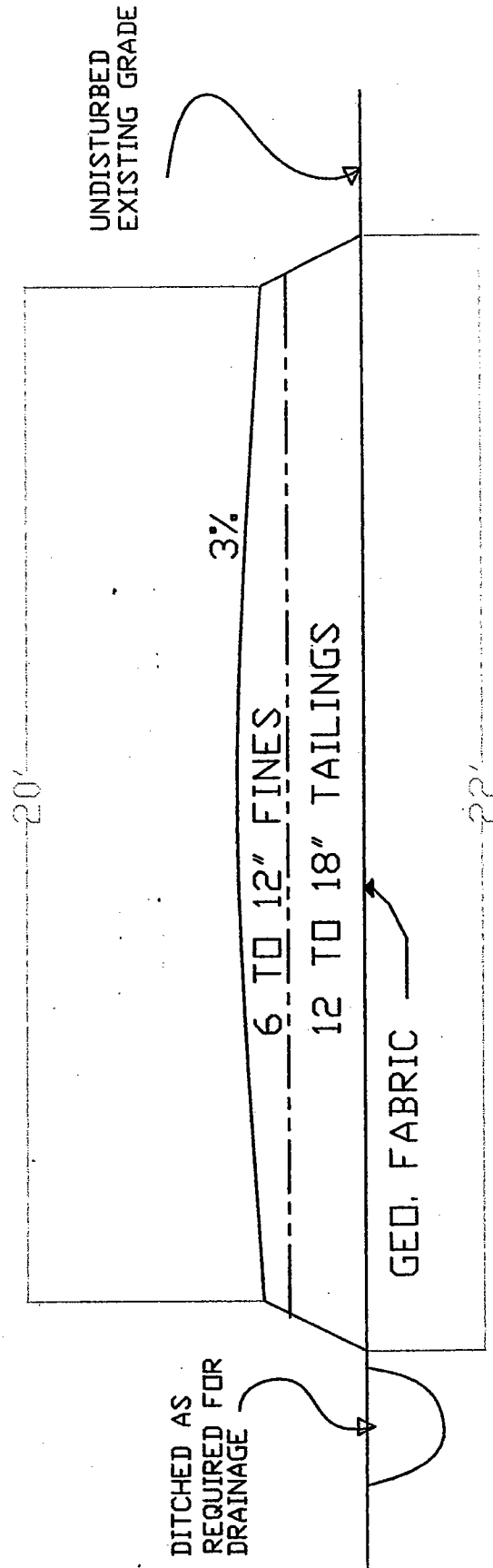
SCALE .0005



3- Planned future development for lots 3 & 4

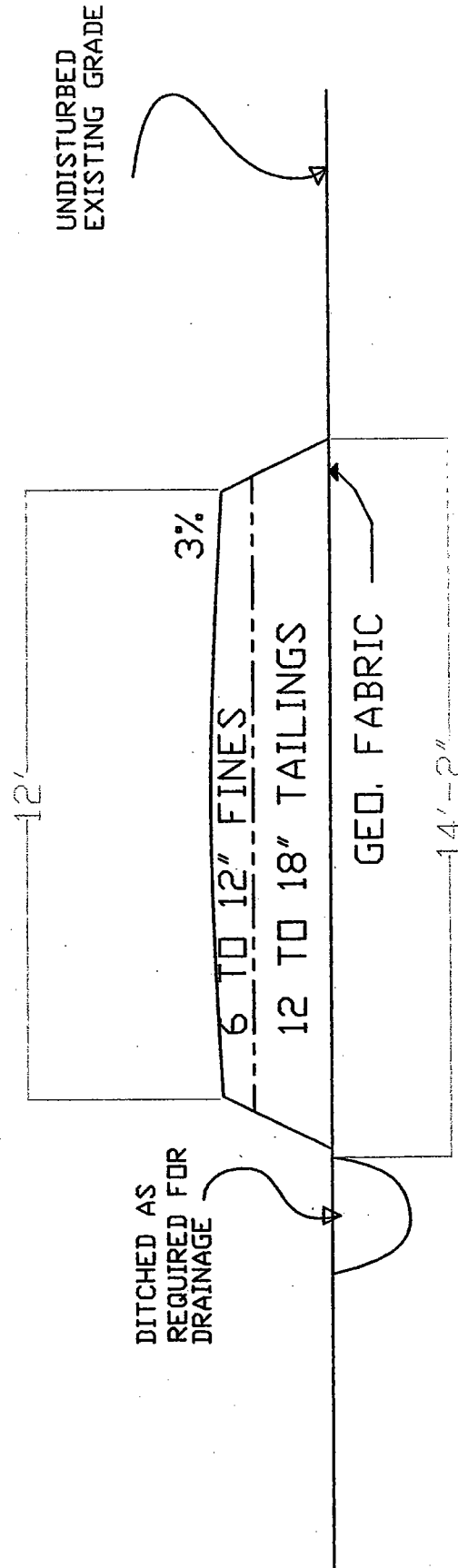


TYPICAL SECTION-ROADWAY EXISTING AND FUTURE

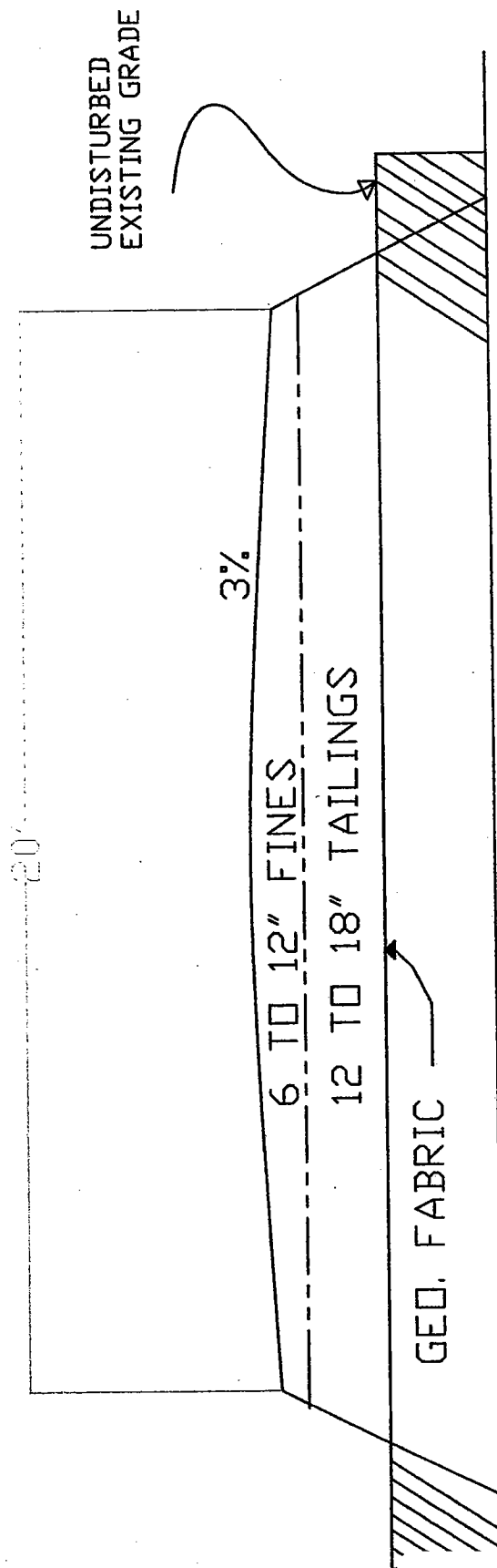


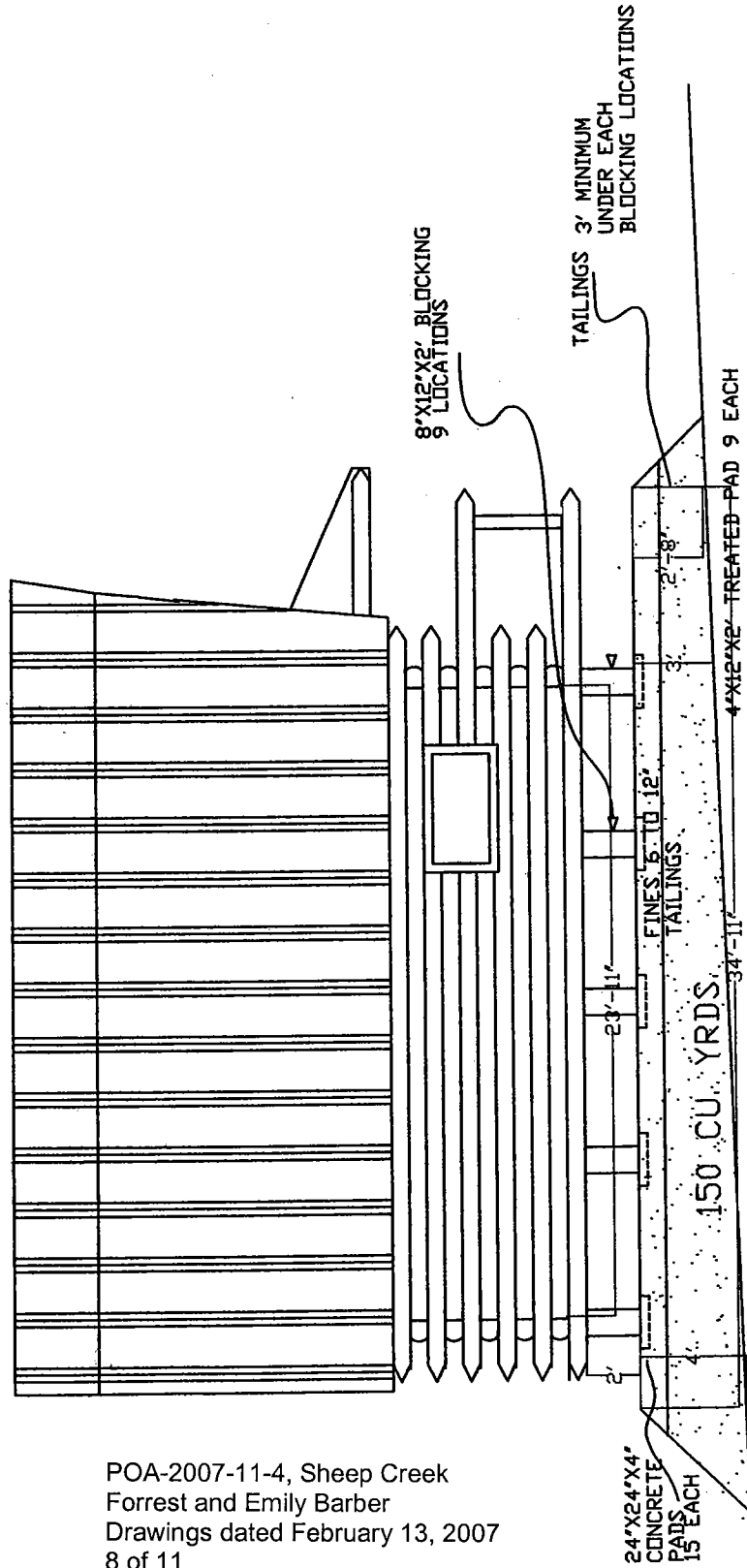
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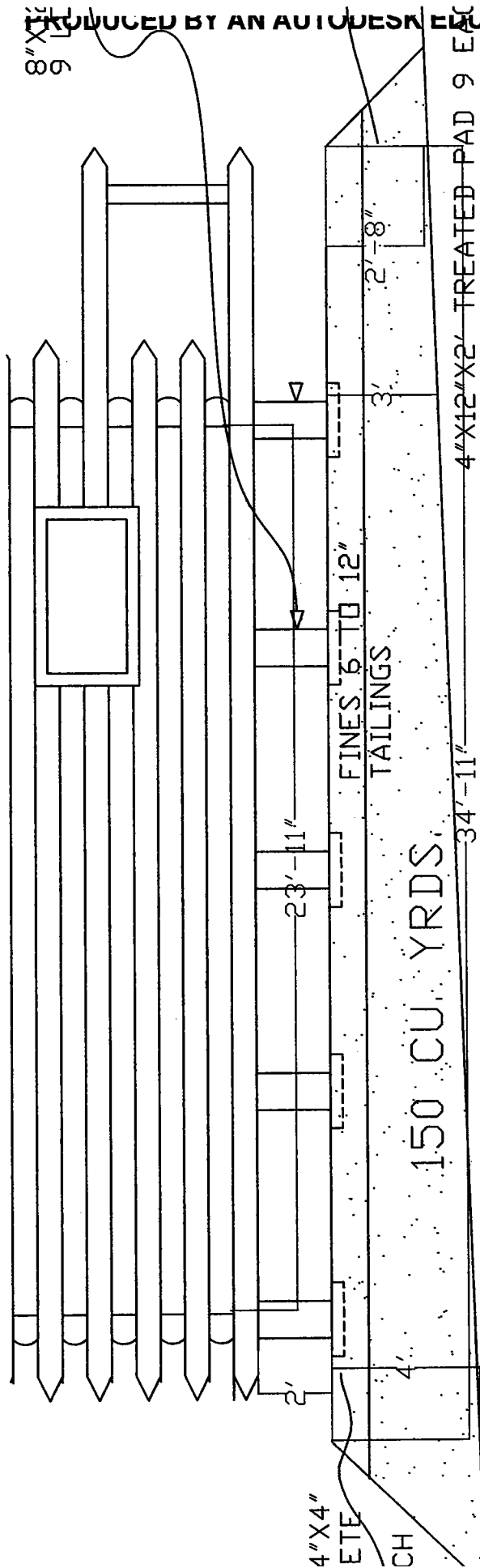
TYPICAL SECTION-DRIVEWAY EXISTING AND FUTURE



TYPICAL SECTION-CULVERT EXISTING AND FUTURE



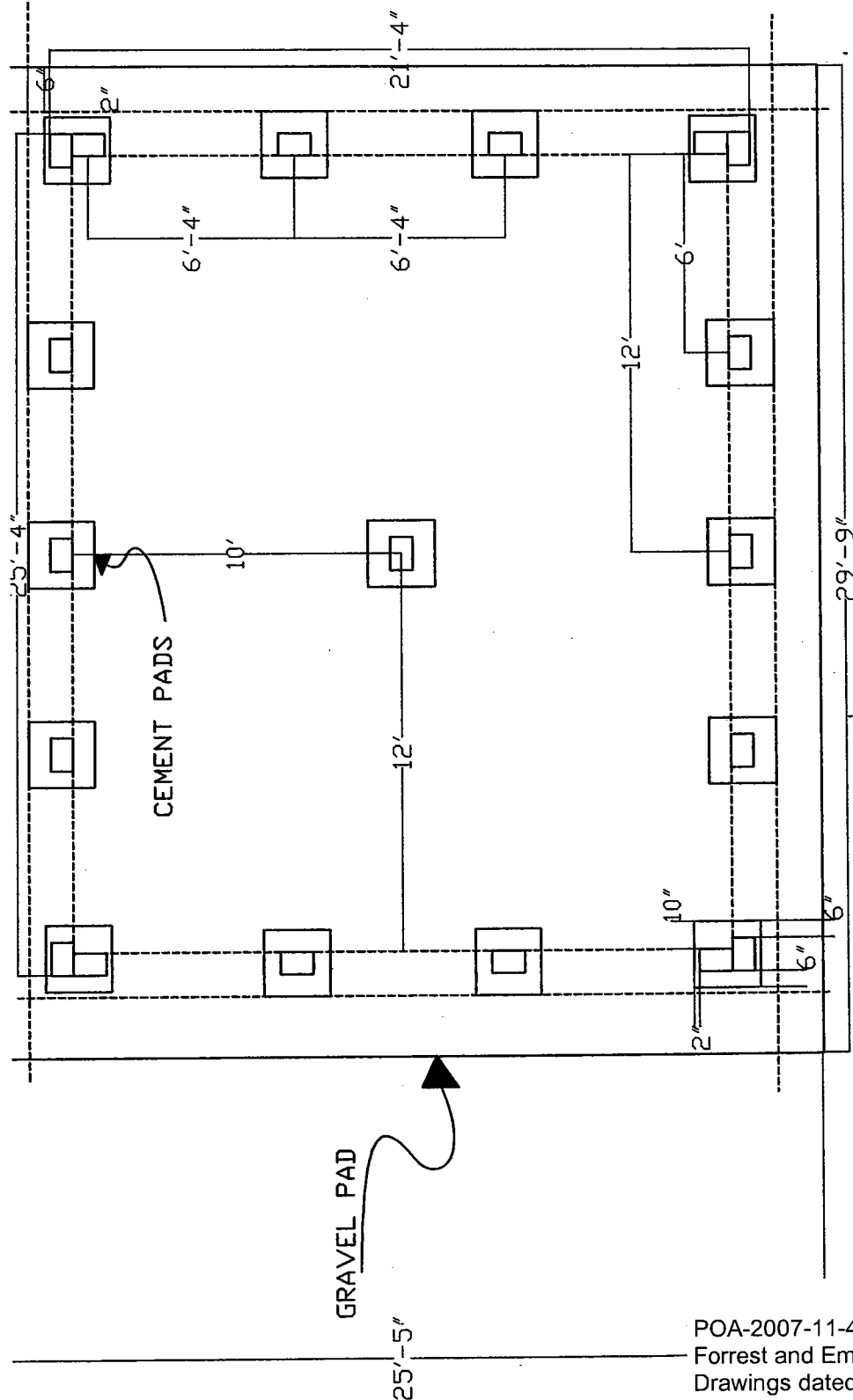




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POA-2007-11-4, Sheep Creek
- Forrest and Emily Barber
Drawings dated February 13, 2007
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